

# Changes to the WI Platting Law

**2013 WI ACT 272**

**2013 WI ACT 280**

**2013 WI ACT 358**



# Changes to the WI Platting Law Land Surveyor

Old law:

Surveys and plats/maps done by  
“*Licensed Land Surveyor*” and/or  
“*Registered Land Surveyor*”

# Changes to the WI Platting Law Land Surveyor

New law:

“Professional Land Surveyor”

“Licensed Land Surveyor” and

“Registered Land Surveyor” have been replaced throughout Ch. 236.

*Effective 8/1/14*

# Changes to the WI Platting Law Plat Submittals

## Old law:

- ❑ Two submittal processes outlined in the statute
  - ❑ Clerks submittal process
  - ❑ Surveyors submittal process

# Changes to the WI Platting Law Plat Submittals

## New law:

- ❑ Submittal process streamlined into single process
- ❑ Reflects the process currently being used
- ❑ Electronic submittals allowed by statute

*Effective 8/1/14*

# Changes to the WI Platting Law Plat Submittals

## New law:

- ❑ Surveyor submits plat to Plat Review and any approving authorities
- ❑ Plat Review submits plat to any objecting review authorities
- ❑ Plat Review makes the record document and certifies on behalf of all objecting authorities
- ❑ Surveyor presents certified plat to approving authorities for final approval and signature
- ❑ Signed plat is filed/recorded with Register of Deeds

*Effective 8/1/14*

# Changes to the WI Platting Law Plat Submittals

## Review of existing law:

Review time limits remain the same

- ❑ Approving authorities have 90 days for preliminary plats; 60 days for final plats
- ❑ Objecting authorities have 20 days
- ❑ Plat Review has 30 days

# Changes to the WI Platting Law

## Plat Submittals

### Review of existing law:

- ❑ Final plats, submitted within 36 months, that 'substantially conform' to the preliminary plat are entitled to approval
- ❑ Approving authorities can permit final plats that are a portion of the preliminary plat (phased developments)

# Changes to the WI Platting Law Plat Submittals

## Review of existing law:

- ❑ Approval is based upon any ordinance that is in effect when the subdivider submits a preliminary plat, or final plat if no preliminary plat is submitted
- ❑ Approving authorities can require the subdivider to install public improvements and to provide security to insure that the installation is completed

# Changes to the WI Platting Law Security for Improvements

## Old law:

- ❑ Approving authorities could require a surety bond or other acceptable security
- ❑ Improvements are made within a reasonable time
- ❑ A specified portion of the cost of improvements shall be paid in advance

# Changes to the WI Platting Law Security for Improvements

## New law:

- ❑ The subdivider decides if security will be a performance bond or letter of credit
- ❑ The amount of security shall be not more than 120% of the estimated total cost of improvements
- ❑ Security may not be required for more than 14 months after the improvements are “substantially completed”

*Effective 8/1/14*

# Changes to the WI Platting Law Security for Improvements

## New law:

- ❑ Thereafter, any withheld security may not be more than the cost to finish the remaining improvements plus 10% of the total cost of the completed improvements
- ❑ This applies to all plats as of 8/1/14, even if plats were submitted for review prior to 8/1/14

*Effective 8/1/14*

# Changes to the WI Platting Law Security for Improvements

## New law:

- ❑ “Substantially complete” is the time the binder coat is installed on streets/roads
- ❑ If improvements are not streets/roads then when 90% of the public improvements ‘by cost’ are completed

*Effective 8/1/14*

# Changes to the WI Platting Law

## Final Plats

### Old law:

Margins for recordable document were 1 ½” binding margin of the left, 1” margins on remaining sides

# Changes to the WI Platting Law

## Final Plats

New law:

Plats shall have 1" margins on all sides

*Effective 8/1/14*

# Changes to the WI Platting Law

## Final Plats

### Old law:

All land dedicated to the public, except roads and streets shall be clearly labeled “Dedicated to the Public”

# Changes to the WI Platting Law

## Final Plats

### New law:

All lands dedicated to the public shall be clearly labeled “Dedicated to the Public”

*Effective 8/1/14*

# Changes to the WI Platting Law

## Final Plats

### Old law:

#### Description of land in the Surveyor's Certificate

- By metes and bounds, commencing from an original government corner.....; or
- If land is located in a record subdivision or a recorded addition thereto, the land shall be described by the lot number, block and subdivision name previously tied to a corner of the PLSS

# Changes to the WI Platting Law

## Final Plats

### New law:

#### Description of land in the Surveyor's Certificate

- ❑ By metes and bounds, commencing from an original government corner.....; or
- ❑ If land is located in a record subdivision or a recorded addition thereto, or recorded certified survey map that has been previously tied to the monumented line of a ¼ section, GL, PC ...and shall be described by lot, block, subdivision name or CSM number

*Effective 8/1/14*

# Changes to the WI Platting Law

## Final Plats

### Old law:

#### Recording a plat

- ❑ Contains a permanent nonfading black image on durable white media
- ❑ Media is 22 inches wide by 30 inches long
- ❑ Complies with s. 59.43 (2m)(b)4., Wis. Stats.
- ❑ Bears the Departments certification of no objection

# Changes to the WI Platting Law

## Final Plats

### New law:

#### Recording a plat

- ❑ Contains a permanent nonfading black image on durable white media or on other media that is acceptable to the Register of Deeds
- ❑ Media is 22 inches wide by 30 inches long
- ❑ Complies with s. 59.43 (2m)(b)4., Wis. Stats.
- ❑ Bears the Departments certification of no objection

*Effective 8/1/14*

# Changes to the WI Platting Law

## Final Plats

### Review of existing law:

#### Recording time limits for a plat

- ❑ Plat must be recorded within 12 months of the last approval; and within 36 months of the first approval
- ❑ The plat contains all of the signed certificates and affidavits required by s. 236.12(3) & 236.21
- ❑ Recording time limits begin when approval certificates are signed on the recordable document

# Changes to the WI Platting Law

## Water

### Old law:

- ❑ “Lake and Stream Shore Plats”
- ❑ Dedicated public access shall extend to the low water mark
- ❑ Public access established per Ch. 236 may only be vacated by circuit court action
- ❑ Land lying between the meander line and the waters edge shall be included within the lots/outlots on the plat
- ❑ Location of ordinary high water mark not addressed

# Changes to the WI Platting Law Water

## New law:

- ❑ “Lake and Navigable Stream Shore Plats..”
- ❑ Dedicated public access shall extend to the waters edge
- ❑ Public access established per Ch. 236 may be vacated by circuit court action –or– may be discontinued under s. 66.1003 & 66.1006

*Effective 8/1/14*

# Changes to the WI Platting Law Water

## New law:

- ❑ Land lying between the meander line and the waters edge shall be included within the lots/outlots on the plat and certified survey map
- ❑ Water elevations at the date of the survey and the approximate high water elevation must be shown on the final plat

*Effective 8/1/14*

# Changes to the WI Platting Law

## Water

### New law:

“Ordinary high water marks” for monumentation and meander lines. Surveyors may:

- ❑ Show an ordinary high water mark on plat/map that has been determined by the DNR or otherwise determined pursuant to law
- ❑ Approximate the ordinary high water mark and show its location on the plat/map

*Effective 8/1/14*

# Changes to the WI Platting Law

## Water

New law:

“Approximated ordinary high water marks”

“The location of the approximate ordinary high water mark shall be the point on the bank of a navigable stream or on the shore of a lake up to which the presence and action of surface water is so continuous as to leave a distinctive mark by erosion, destruction of terrestrial vegetation, or other easily recognized characteristics.”

*Effective 8/1/14*

# Changes to the WI Platting Law

## Water

New law:

“Approximated ordinary high water marks”

“For purposes of this section, a map, plat, or survey that shows an approximate ordinary high water mark shall state on its face that the mark is shown for reference only.”

*Effective 8/1/14*

# Changes to the WI Platting Law

## Water

### New law:

#### “Public Trust Information”

A subdivision plat or a CSM that includes lots/outlots that extend to the waters edge per s. 236.16(4) shall show on its face the following statement:

*"Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution."*

*Effective 8/1/14*

# Changes to the WI Platting Law Water

## Review of existing law:

- ❑ A 60' public access to the water's edge, connected to existing public roads, at not more than ½ mile intervals is required; unless
- ❑ Wider access at greater intervals is agreed upon by DNR and DOA

# Changes to the WI Platting Law

## Certified Survey Maps

### Old law:

- ❑ CSMs contain up to 4 parcels of land consisting of lots and outlots
- ❑ All corners of the CSM shall be monumented
- ❑ A CSM may be used to dedicate streets and other public areas when Owners' and Mortgagees' Certificates are included and the CSM is approved by the local unit of government

# Changes to the WI Platting Law

## Certified Survey Maps

### Old law:

#### Description of land in the Surveyor's Certificate

- By metes and bounds, commencing from an original government corner.....; or
- If land is located in a record subdivision or a recorded addition thereto, the land shall be described by the lot number, block and subdivision name previously tied to a corner of the PLSS

### No vacation process

# Changes to the WI Platting Law

## Certified Survey Maps

### New law:

- ❑ Monuments that fall within a street, the monument shall be placed at the side line/right of way
- ❑ CSMs may be used to dedicate streets, public areas, and may grant easements to the public or any person, society, or corporation when Owners' and Mortgagees' Certificates are included and the CSM is approved by the local unit of government
- ❑ Recording time limits are 12 months from last approval; 36 months from the first approval

*Effective 8/1/14*

# Changes to the WI Platting Law

## Certified Survey Maps

### New law:

#### Description of land in the Surveyor's Certificate

- ❑ By metes and bounds, commencing from an original government corner.....; or
- ❑ If land is located in a record subdivision or a recorded addition thereto, or recorded certified survey map that has been previously tied to the monumented line of a ¼ section, GL, PC ...and shall be described by lot, block, subdivision name or CSM number

*Effective 8/1/14*

# Changes to the WI Platting Law Certified Survey Maps

## New law:

### Circuit court vacation

A CSM, or part of a CSM, may be vacated by the circuit court. The application may be made by:

- ❑ The owner of any lot or outlot in the land that is the subject of the CSM
- ❑ The county board if the county has acquired an interest by tax deed

*Effective 8/1/14*

# Changes to the WI Platting Law Certified Survey Maps

## New law:

### Expanded use of CSMs

A local unit of government may allow more than 4 parcels on a CSM when:

- ❑ They have an established planning agency;
- ❑ A ordinance is enacted or resolution is passed;
- ❑ A maximum number of parcels is specified; and
- ❑ Land is zoned commercial, industrial or mixed use

*Effective 4/18/14*

# Changes to the WI Platting Law Certified Survey Maps

New law:

Expanded use of CSMs

Requirements for passing an ordinance/resolution:

- ❑ Receive recommendation from planning agency
- ❑ Hold a public hearing noticed by publishing a class two notice
- ❑ Enacted ordinance/resolution shall be published in a form suitable for public distribution

*Effective 4/18/14*

# Changes to the WI Platting Law

## Certified Survey Maps

New law:

Expanded use of CSMs

- ❑ Such enacted ordinance/resolution by a city or village may be applied to the extraterritorial plat approval jurisdiction area
- ❑ When local units of government have conflicting requirements for these CSMs, the most restrictive requirements apply

*Effective 4/18/14*

# Changes to the WI Platting Law

## Certified Survey Maps

New law:

### Review of Expanded CSMs

- ❑ Expanded CSMs that reconfigure lots/outlots within a record plat, assessors plat or CSM, where no additional parcels are created – are NOT reviewed by DOA
- ❑ Expanded CSMs that create additional lots, in or out of a plat or map, ARE submitted to DOA for review (20 day review period; \$100 per map)

*Effective 4/18/14*

# Changes to the WI Platting Law

## Certified Survey Maps

New law:

Review of Expanded CSMs

- ❑ Expanded CSMs that abut a state highway or connecting highway and change the exterior boundary of a plat or CSM must be submitted to DOT for review
- ❑ Expanded CSMs that are located in the City of Milwaukee are not subject to state review

*Effective 4/18/14*

# Plat Review

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<http://doa.wi.gov/platreview>